

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**STATE OF NEW MEXICO, ex rel.
State Engineer**

Plaintiff,

v.

ROMAN ARAGON, et al.,

Defendants.

69cv07941-BB-LFG

RIO CHAMA STREAM SYSTEM
Village of Chama, Section 7

Subfile No.: CHCV-004-004B

UNOPPOSED MOTION FOR SUBSTITUTION OF PARTIES

Pursuant to Federal Rules of Civil Procedure Rule 25(c), Chama Troutstalkers LLC moves the Court to substitute CHAMA TROUTSTALKERS, LLC for defendant JAMES A. HEATH in these proceedings with respect to the water rights appurtenant to 66.7 acres of irrigated lands as described in Subfile No. CHCV-004-004B in the Village of Chama, Section 7, and in support of this motion states the following:

1. On June 13, 2008, this Court adjudicated the water rights described in Subfile No. CHCV-004-004B to James A. Heath, reserving for future determination the amount of water and date of priority for the subject water rights. *See* Doc. No. 9213.

2. The First Judicial District Court of New Mexico, County of Rio Arriba, entered a summary judgment and decree of foreclosure in *First National Bank v. Heath, et al.*, Cause No. D-0117-CV-2010-00242, foreclosing to the U.S. Bank National Association a mortgage held by James A. Heath and Dos Rios Ranch, LLC, that had been secured by real property, including the appurtenant water rights described in Subfile No. CHCV-004-004B.

3. Chama Troutstalkers, LLC, was the assignee and holder of the statutory right of redemption of former owners James A. Heath and Dos Rios Ranch, LLC, and exercised its right of redemption in the foreclosure action to acquire the subject real property and the appurtenant water rights identified in Subfile No. CHCV-004-004B.

4. The First Judicial District Court entered a Stipulated Order Allowing Redemption, allowing Chama Troutstalkers, LLC, to redeem the real property and directing the Clerk of the Court to issue a Certificate of Redemption. Pursuant to this order, the Clerk of the Court sold, transferred, and quitclaimed to Chama Troutstalkers, LLC, the subject real property and its appurtenant water rights on November 21, 2011. This transfer was recorded on November 22, 2011, with the County Clerk of Rio Arriba County.

5. Following this transfer, Chama Troutstalkers, LLC, filed a change of ownership of water right application with the New Mexico Office of the State Engineer to reflect the transfer of ownership of the water right described in Subfile No. CHCV-004-004B. The State Engineer has not yet updated the status of its files to reflect the change.

6. Pursuant to LR-CV 7.1(a), counsel for Chama Troutstalkers LLC conferred with counsel for the State of New Mexico, Ed Newville, and confirmed that the State does not oppose this motion.

WHEREFORE, Chama Troutstalkers LLC requests the Court to enter its Order substituting Chama Troutstalkers LLC for defendant James A. Heath in these proceedings with respect to the water rights appurtenant to the real property described in Subfile No. CHCV-004-004B.

Respectfully submitted,

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ATTORNEYS FOR CHAMA TROUTSTALKERS LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of March 2012 I filed the foregoing electronically through the Court's CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Adam G Rankin

Adam G. Rankin